IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6905 of 2002
WITH
CIVIL APPLICATION NO.1588 OF 2006

Shri Vaman @ Prabhakar
Janardhan Shukla & 4 ors. Petitioners
Vs.
Vinay Vasudeo Joshi & ors. Respondents

Mr.Abhinandan Vagyani for petitioners.

CORAM: B.H.MARLAPALLE,J.

July 04, 2006.

P.C.

. Heard Mr.Vagyani, the learned counsel for the petitioners. Revision Application No.20 of 1988 was decided by the order 13/8/1989 by the Jt.Charity Commissioner and the enquiry was remanded back to the Asst. Charity Commissioner, Kolhapur. This order dated 13/8/1989 was challenged before this Court in Writ Petition No.1539 of 1989. The petition came to be disposed as withdrawn as per the order dated 29/11/1990 and with a liberty to adopt alternative remedy available under law, if so advised within four weeks. Based on this order it appears that the petitioners filed Misc. Civil Application No.1 of 1991 before the District Court at Kolhapur. The said application was not filed within a period of four weeks as set out by this Court on 29/11/1990. Hence

the petitioners made an application at Exhibit 60 for condonation of delay in filing Misc. Civil Application No.1 of 1991. The learned 4th Addl. District Judge at Kolhapur was pleased to reject the application for condonation of delay by noting that the High Court had granted four weeks' time to file an application and the said time expired on 27/12/1990 whereas the application was presented on 31/12/1990 and, therefore, there was no power with the District Court to entertain the application filed beyond the time granted by this Court. The learned Judge of the lower Court was right in holding that the provisions of Section 5 of the Limitations Act were not applicable to such an application. This petition impugns the order passed by the 4th Addl. District Judge on 25/7/2002. As noted earlier it was not permissible for the District Court to entertain an application filed after 27/12/1990 and, therefore, the Court below rightly rejected the said application. It is obvious that the enquiry which was remanded in the year 1989, has not yet even commenced after a lapse of almost 17 years and the law's delays cannot be perpetuated any further.

. Hence this petition fails and the same is

hereby rejected summarily. It is made clear that the enquiry will proceed without being influenced by any of the issues raised in this petition or the observations made in this order.

. Civil Application No.1588 of 2006 does not survive as the main petition has been rejected and the same stands disposed off.

(B.H.MARLAPALLE,J.)